

Bertness, U.S. Patent No. 6,249,124. The above rejections in sections 2, 4 and 5 of the Office Action were addressed in a previous response filed on November 4, 2005.

In the response to the arguments section of the Office Action, the Examiner appears to suggest that because "small" is a relative term, Killet's battery can be considered a small battery.

For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990) (Emphasis Added.)

The above requirement for anticipation is not met in the rejection of the claimed invention.

On page 21, lines 10-13 of the specification, a small battery is specifically defined as a "household" battery with 1.5 V cells (such as D, C, AA and AAA batteries) that can be readily purchased off the shelf. The battery disclosed in Kellett (FIG. 2, item 30) is a 12 volt, 7 Ampere-Hour, sealed, lead-acid battery, which does not lie within the definition of small battery provided in the specification. (See column 2, line 67, of Killett.) Thus, the claimed invention is not identically shown in Kellett and is therefore allowable. (Emphasis Added.)

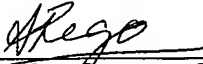
In view of the foregoing, and for reasons in the previous response filed on November 4, 2005, Applicants respectfully request reconsideration and allowance of all pending claims. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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By:

  
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